

Amendment No. 1 to HB3611

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 3563

House Bill No. 3611*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3007(h), is amended by adding the following new language as new, appropriately designated subdivisions:

() "Excused absence" means an absence of a student from school for which the student:

(A) Presents a note signed by a parent or guardian requesting that the absence be excused; provided, however, that a student shall not be excused in this manner more than four (4) times in a semester or eight (8) times in a school year for grades six through twelve (6-12) and more than ten (10) times in a school year for grades kindergarten through five (K-5);

(B) Is bereaved because of a death in the student's immediate family; provided, that the student shall present as proof of the death an obituary or funeral notice. Excused absences for bereavement are limited to no more than three (3) days per incident. Immediate family includes, and is limited to, parents, siblings and grandparents and shall also include family members living in the same household as the student. A school administrator may allow excused absence for bereavement for other close family members;

(C) Is ill or is absent because of the student's medical condition; provided, that the student presents as proof of the medical excuse a note from a doctor or school nurse attesting that an illness or medical condition has occurred that prevented the student from attending school and specifying the dates for which the excused absences are sought;

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(D) Is absent to visit a college the student may wish to attend; provided, that the student is in grades eleven (11) or twelve (12) and notifies the high school in which the student is enrolled prior to making the college visit. A student shall not be granted excused absences for more than three (3) days for college visitation purposes;

(E) Is excused under § 2-4-103(e), § 49-6-3002(c), § 49-6-3018, or § 49-6-3019;

(F) Is needed to care for an ill family member. A note from a doctor is required attesting the necessity of the student's assistance.

(G) Is observing a special or recognized religious holiday regularly observed by his or her particular faith. Prior approval is required.

(H) Is participating in a school sponsored activity away from the school building.

(I) Has no control of circumstances that, in the judgment of the principle, creates an emergency leading to the absence.

(J) "Unexcused absence" means any absence from school by a student that is not an excused absence;

SECTION 2. Tennessee Code Annotated, Section 49-6-3007, is further amended by adding the following new language as new subsections (f), (g) (h) and (i) and be redesignating subsequent subsections accordingly:

(f) One (1) absence shall be recorded for a student for each five (5) tardies or early dismissals, or any combination of tardies and early dismissals equaling five (5) that the student receives. The absence shall be recorded as

excused or unexcused depending on whether the tardies or dismissals would have been excused or unexcused had the student been absent instead.

(g) For purposes of this section and § 37-1-102(b)(25)(A)(i), a student who has been absent:

(1) An aggregate five (5) days without excuse shall be deemed habitually truant; and

(2) An aggregate ten (10) days without excuse shall be deemed chronically truant.

(h) Any student who has been deemed chronically truant in the previous semester or school year may be subject to the same consequences as if the student were already classified as habitually truant at the beginning of the current term. These consequences may include, but are not limited to, attendance contracts, the attendance review committee or teen court and other similar measures developed by a school district to address truancy problems.

SECTION 3. Tennessee Code Annotated, Section 49-6-3018 is amended by deleting the words “shall be credited as present” in the last sentence of the section and by substituting instead the words “shall be granted an excused absence”.

SECTION 4. Tennessee Code Annotated, Section 49-6-3007(i)(3) is amended by deleting the subdivision in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-6-3009 is amended by deleting the language of subsection (a) and by substituting instead the following new language:

(a) Any parent, guardian or other person who has control of a child, or children, and who violates or facilitates the violation of this part commits educational neglect which shall be a Class C misdemeanor.

SECTION 6. Tennessee Code Annotated, Section 37-1-132, is amended by adding the following language as a new subsection (d):

(d) If a child who is fourteen (14) years of age or older is found to be unruly because of habitual or chronic truancy as defined in § 49-6-3007(h), then the judge shall determine whether ordering the child to perform community service is in the child's best interest and, in the judge's discretion, may require the child to perform community service in accordance with § 37-1-131(a)(7).

SECTION 7. Tennessee Code annotated, Section 37-1-102(b)(25)(A)(i) is amended by deleting the word "Habitually" and by substituting instead the language "Habitually or chronically".

SECTION 8. Tennessee Code annotated, Section 49-6-3007(e)(3), is amended by deleting the subdivision in its entirety and by substituting instead the language:

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report, within seven (7) days, the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

SECTION 9. Tennessee Code annotated, Section 49-6-3007(f), is amended by deleting the subsection in its entirety and by substituting instead the language:

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report, within seven (7) days, any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars

(\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent has more than five (5) days of unexcused absences during any school year.

SECTION 10. This act shall effect July 1, 2012, the public welfare requiring it.